

JEFFERSON COUNTY COMMISSIONERS
COURTHOUSE, BOX H
BOULDER, MT 59632
PHONE 406-225-4025
FAX 406-225-4148

TOM LYTHGOE, CHAIR

KEN WEBER

DAVE KIRSCH

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
November 24, 2009**

Present: Commissioners Lythgoe and Kirsch; Harold Stepper, County Planner; Tara Mastel and Tom Harrington, JLDC; Janet Cornish, Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Larrey Lattin, Eddie Smith, Colleen Teeling

Absent: Commissioner Weber

REPORTS

Commissioner Lythgoe noted receipt of the October cash report from the Treasurer.

CORRESPONDENCE

Commissioner Lythgoe read an e-mail from Dennis Owens regarding a Qwest claim against Bullock Construction for damage caused to phone lines during construction of the South Hills RID upgrades. They are willing to settle the claim for half.

Commissioner Lythgoe stated that this has been an on-going fight with Qwest as to who is responsible for paying for the damage, Mr. Bullock, Jefferson County or Qwest. It has to do with Qwest moving some utilities when we did the South Hills RID. It was the position of the County, Mr. Bullock and our engineering firm that it was the responsibility of Qwest to take care of this. However, Qwest will not leave Mr. Bullock alone so he approached the Commission to get involved. He asked the County Attorney's office to become involved. He thinks that Mr. Bullock had decided that this is his only recourse, as Qwest wasn't going to take the responsibility, Bullock would be to sue the County.

Commissioner Lythgoe stated that the e-mail offers several options to deal with this issue, and he thinks that this is an item that needs to be agendaized. The item will be added to a future agenda.

Commissioner Lythgoe noted the receipt of a MOU between the Town of Whitehall and Jefferson County regarding planning issues and jurisdictional areas. This item will be placed on a future agenda for a decision.

CALENDAR REVIEW

COMMISSION REPORTS

SOUTH CAMPUS SEWER UPGRADE

Commissioner Lythgoe reported that the parties involved had a progress report on the south campus sewer upgrade on Thursday. They are hoping to have the project completed by mid-December.

ZONING COMMISSION

Commissioner Lythgoe reported that he attended the zoning commission meeting on Thursday. They are going through the document for the final time, and are getting close to reaching the point of having public hearings.

MTAG

Commissioner Lythgoe reported that he attended a MTAG meeting. Nothing new is happening with Tunnels at the moment. A sale has taken place and there are some installment payments that will be taking place before the sale is final. With metal prices being what they are, the manager was fairly confident that something will be happening with both Tunnels and Elkhorn.

ROCKY MOUNTAIN DEVELOPMENT COUNCIL

Commissioner Kirsch reported that on the 19th he attended a RMDC meeting in Helena. They discussed the Caird failure, which seems like a dead issue. They also reviewed the Big Boulder housing project; it seems that everything is in place and ready to go.

VETERAN'S HOME

Commissioner Kirsch reported that on Monday they met regarding the veteran's home. They are working every angle they can and it is looking positive at this point.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

DISCUSS AND DECIDE ON HIRING CONSULTANT TO DEVELOP VETERAN'S HOME PROPOSAL

Tom Harrington, JLDC, stated that a committee has been meeting for several months to create a proposal for the siting of a veteran's home in Jefferson County. Proposals are due February 5th, and the group has discussed hiring a professional consultant to put together the proposal. He stated that normally the JLDC does this type of thing, but this came up after the budget was developed.

Commissioner Lythgoe asked for an estimate of what this would cost. Tom stated that they are estimating that it will be under \$10,000. Commissioner Kirsch asked if the JLDC would be hiring the consultant. Tom stated that the JLDC would take the lead.

Commissioner Lythgoe stated that if we are serious about having this sited in Boulder, he thinks we need to do what we need to do to make that happen.

Commissioner Kirsch moved to have the JLDC take the lead and advise the Commission regarding the hiring of a consultant to develop the veteran's home proposal. Commissioner Lythgoe seconded. He stated that he is assuming that a RFP will be developed by the JLDC and they will then contact those on the county bidder's list to solicit proposals. Tom Harrington stated that this is correct. The motion carried.

DISCUSS AND DECIDE ON REQUEST FOR SUPPORT OF THE WESTERN INTERSTATE REGION CONFERENCE FROM YELLOWSTONE COUNTY

Commissioner Lythgoe read a letter from the Yellowstone County Commission inviting them to attend the WIR conference to be held in Billings in May and requesting that Jefferson County help underwrite the cost of the conference with a donation. Commissioner Lythgoe moved not to sponsor this conference. Commissioner Kirsch seconded. Commissioner Lythgoe stated that we have not attended in the past, which isn't to say that we won't attend this year. The motion carried.

RESOLUTION 41-2009 CANCELLING UNCALLED FOR WARRANTS

Commissioner Lythgoe read the resolution as follows:

RESOLUTION 41-2009

ORDERING CANCELLATION OF UNCALLED FOR WARRANTS

WHEREAS, §7-6-2607, MCA, requires the board to cause to be canceled all county warrants that have remained uncalled for one year or more in the County Treasurer's office; and

WHEREAS, the Board of County Commissioners has received a list of uncalled for warrants from the Clerk and Recorder;

NOW, THEREFORE, BE IT RESOLVED that the following warrants be canceled:

Warrant #	To Whom Issued	Date of Issuance	Amount
47413	Sun Rental Center	11/16/2007	13.86
48096	Public Safety Center	01/22/2008	132.46
48336	Mark McGurran	02/19/2008	10.00
48411	Highland Land Corporation	02/26/2008	4.38

49194	Center for Mental Health	05/13/2008	5,628.00
49688	Crystal Lanch	06/18/2008	10.00
49851	R&D Partners LLC	06/24/2008	2,214.17

DATED this 24th day of November, 2009.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER

Commissioner Kirsch moved to adopt the resolution. Commissioner Lythgoe seconded. The motion carried.

RESOLUTION 42-2009 RESOLUTION OF INTENT TO LEVY SPECIAL ASSESSMENTS FOR MOONLIGHT RSID

Commissioner Lythgoe read the resolution as follows:

RESOLUTION 42-2009

RESOLUTION RELATING TO RURAL SPECIAL IMPROVEMENT DISTRICT NO. 2511 (MOONLIGHT RIDGE); PRELIMINARY LEVY OF SPECIAL ASSESSMENTS ON PROPERTY WITHIN THE DISTRICT FOR THE PURPOSE OF FINANCING THE COST OF CERTAIN LOCAL IMPROVEMENTS AND FUNDING MAINTENANCE COSTS OF THE IMPROVEMENTS

BE IT RESOLVED by the Board of County Commissioners of Jefferson County, Montana, (the "County"), as follows:

Section 1. The District; Improvements; Maintenance. The County has created a Rural Special Improvement District (the “District”) pursuant to Montana Code Annotated, Title 7, Chapter 12, Part 21, as amended (the “Act”), denominated Rural Special Improvement District No. 2511 (the “District”), and undertaken certain local improvements (the “Improvements”) to benefit property located therein. The Improvements have been or, by the conclusion of the current construction season, will be substantially completed and the total costs of the Improvements to be paid with proceeds of the Bond (as hereinafter defined) are estimated to be \$249,999.00, including all incidental costs. The County has also provided for funding the estimated costs of maintaining the Improvements.

Section 2. The Bond. The County has pursuant to the Act issued its Rural Special Improvement District bonds drawn on the District, denominated “Rural Special Improvement District No. 2511 Bond”, in the original aggregate principal amount of \$249,999 (the “Bond”), to finance costs, including incidental costs, of the Improvements. The Bond is payable primarily from special assessments to be levied against property in the District.

Section 3. Method of Assessment. (a) Pursuant to Resolution No. 07-2009, adopted by this Board on January 27, 2009, and which constitutes the resolution of intention to create the District, this Board determined to levy special assessments to pay the costs of the Improvements on the basis therein provided as authorized by the Act. The County also provided in such resolution of intention to create the District for creating a maintenance district and funding costs of maintaining the Improvements.

(b) This Board hereby ratifies and confirms that the assessment of costs of the specific Improvements against the properties benefitted thereby as prescribed by the resolution of intention are equitable and in proportion to and not exceeding the special benefits derived from the respective Improvements by the lots, tracts and parcels to be assessed therefore within the District, and the special assessments authorized by this resolution are in accordance with the methods and do not exceed the amounts prescribed by the resolution of intention.

Section 4. Proposed Levy of Assessments. The special assessments for the costs of the Improvements shall be levied and assessed against properties in the District in accordance with the method of assessments referred to in Section 3. Such assessments shall be payable over a term not exceeding 15 years, each in substantially equal semiannual payments of principal and interest within a fiscal year, taking into account each year the variable rate of interest under the INTERCAP Program of the Montana Board of Investments. Property owners shall have the right to prepay the special assessments as provided by law.

The special assessments shall bear interest from the date of issuance of the Bond until paid at an annual rate equal to the Interest Rate (as hereinafter defined), as such may change from time to time, plus penalties and interest for delinquent installments as provided by law. As used herein, “Interest Rate” means, as of the date of determination, the sum determined as of the date an installment of the special assessment is levied each fiscal year, of (i) the then current Loan Rate (i.e., the interest rate under the INTERCAP Program of the Montana Board of Investments then in effect), plus (ii) one percent (1.00%) per annum, plus (iii) if and to the extent that the Loan Rate is

then less than fifteen percent (15.00%) per annum (the maximum interest rate on the Bond), an additional one percent (1.00%) per annum, interest being payable with principal installments. The Interest Rate shall be determined by August of each fiscal year so long as any Bond is outstanding and shall apply to the outstanding installments of the special assessments not delinquent. If no amounts under the Bond are outstanding, but special assessments remain unpaid and are not delinquent, the Interest Rate shall be equal to the Interest Rate as most recently determined. The initial Interest Rate for the fiscal year ending June 30, 2010 (and with respect to principal and interest installments due on the Bond on February 15, 2010) shall be 3.25% per annum.

Exhibit A to this Resolution (which is hereby incorporated herein and made a part hereof) contains a description of each lot, tract or parcel of land to be assessed, the name of the owner, if known, and the total amount of the special assessment levied against each lot, tract or parcel, (the "Assessment Roll"). Exhibit A also contains the proposed amount to be assessed to pay maintenance costs of the Improvements.

The Assessment Roll is preliminary and is subject to consideration by this Board of the objections, if any, from owners of property in the District following the public hearing provided for in Section 7.

Section 5. Filing of Resolution. This resolution shall be kept on file in the office of the County Clerk and Recorder and shall be open to public inspection.

Section 6. Notice of Proposed Levy of Assessments. The County Clerk and Recorder is hereby authorized and directed to cause a copy of the notice of the passage of this resolution, substantially in the form of Exhibit B hereto (which is hereby incorporated herein and made a part hereof), (i) to be published twice in a newspaper meeting the requirements of Montana Code Annotated, Section 7-1-2121, with not less than six days between each publication before the date of the public hearing provided for in Section 7, (ii) to be mailed to the owner of each lot, tract or parcel of land to be assessed (to be determined from the last completed assessment roll for state, county, and school district taxes), on or before the same day such notice is first published; and (iii) to be mailed to such other persons or entities known by the County Clerk and Recorder to have an ownership interest in such lots, tracts or parcels (including, without limitation, mortgagees and vendees under contracts of deed), on or before the same day such notice is first published.

Section 7. Public Hearing; Objections. This Board shall meet on Tuesday, the 15th day of December, 2009 at 2:15 p.m., in the Jefferson County Courthouse at 201 Centennial, Boulder, Montana, for the purpose of conducting a public hearing on the levying and assessment of the special assessments in the District and considering the objections, if any, of the property owners to the levying and assessment of the special assessments.

ADOPTED by the Board of County Commissioners of Jefferson County, Montana, this 24th day of November, 2009.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER

Commissioner Lythgoe moved to adopt the resolution. Commissioner Kirsch seconded. The motion carried.

Commissioner Kirsch moved to adjourn. Commissioner Lythgoe seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER